

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

[ALL PLAINTIFFS]¹

Plaintiffs,

V.

JANSSEN PHARMACEUTICALS, INC.,
et al.

Defendants.

: Civil Action Nos. 15-8070 PUENTE
:
: 16-1786 BENJAMIN
:
: 16-1787 PARTINGTON
:
: 16-1897 ANDERS
:
: 16-1898 SWINNEY
:
: 16-1931 SEIFRIED
:
: 16-2048 BOWLING
:
: 16-2050 ROBERTSON
:
: 16-2278 HUMPRIES
:
: 16-2361 GARCIA
:
: 16-2386 MILBURN
:
: 16-2938 KUNO
:
: 16-3114 THOMPSON
:
: 16-3362 HENDERSON
:
: 16-3993 SCHNITZER
:
: 16-4024 WADDLE
:
: 16-4136 WARREN
:
: 16-4484 DESALIS
:
: 16-4485 FOREHAND
:
: 16-4486 JACKSON
:
: 16-4489 ROGERS
:
: 16-4490 SUTHERLAND
:
: 16-4638 PRICE

ORDER

THESE MATTERS² having been assigned to the Honorable Brian R. Martinotti, U.S.D.J.

on August 8, 2016, by the Order of Chief Judge Jerome B. Simandle, and the Court having

¹ This order shall be filed on the docket of each individual plaintiff listed on the order.

² The Court notes that on Friday, August 26, 2016, the following cases were filed: *Paviak v. Janssen*, et al., 16-5194; *DeRouse v. Janssen*, et al., 16-5198; *Bateman v. Janssen*, et al., 16-5199; *Langjahr v.*

reviewed the individual dockets and all pending motions, conducting a status conference on August 29, 2016, with the Honorable Lois H. Goodman, U.S.M.J. also presiding, counsel appearing, for good cause shown and for the reasons set forth on the record,

IT IS on this 29th day of August 2016,

ORDERED

I. MOTIONS TO DISMISS

- 1) There are eleven (11) pending Motions to Dismiss. The Court will decide these motions in regular order, subject to the parameters set forth below.
- 2) Counsel shall meet and confer within 45 days to:
 - a) Discuss status of the pending motions to dismiss and attempt to develop a form complaint that will survive a motion to dismiss and shall so advise the Court if an agreement is reached; and
 - b) Create and submit an omnibus exhibit binder to be used and referenced in all future motions.

II. CASE MANAGEMENT

- 1) On the Court's own motion, Christopher Seeger, Esq. of Seeger Weiss is designated as interim liaison counsel until a Plaintiff Steering Committee ("PSC") is appointed. Mr. Seeger shall be liaison counsel between plaintiffs' counsel and the Court, and between plaintiffs' counsel and defense counsel; shall disseminate and distribute information, notices, and emails to all plaintiffs' counsel; shall periodically meet with all plaintiffs' counsel; shall prepare all agenda for Case Management Conferences ("CMC"); and shall

Janssen, et al., 16-5203. This order shall govern those matters as well. Mr. Seeger shall ensure all counsel receive a copy of this order. See *infra* Section II, Case Management.

interact with and coordinate with this Court and any court, federal or state, should matters be filed elsewhere.

- 2) Plaintiffs' counsel shall meet and confer and, five (5) days prior to the next CMC, submit to the Court members of the proposed PSC. If plaintiffs' counsel cannot agree, this issue will be addressed at the next CMC and the Court will set forth the procedure for the selection of the PSC.
- 3) Counsel shall meet and confer within 45 days to:
 - a) Prepare a Short Form Complaint ("SFC"), Short Form Answer ("SFA"), Plaintiffs' Fact Sheet ("PFS"), Defendants' Fact Sheet ("DFS"), Discovery Confidentiality Order ("DCO"), Preservation Order, ESI Order,³ and parameters of discovery; and
 - b) Submit a proposal for cross-referencing of all related cases and submission to the Court of documents and other filings until this matter is (if at all) classified as a MDL. Counsel is directed to the Court Rules and the individual Judges' preferences for guidance.

III. DISCOVERY

- 1) Judge Goodman shall preside over all discovery matters. All motions to seal shall be filed as omnibus motions.

IV. GENERAL/SCHEDULING

- 1) The next CMC is scheduled for October 5, 2016, at 11:00am. Liaison counsel shall appear at 10:00am.

³ At the conference, counsel reported they are in discussion and are close to agreeing upon some of these orders.

- 2) Counsel is required to submit a joint agenda five (5) days prior to the next scheduled conference. If there are any disagreements as to the agenda, counsel shall set forth each parties' position.
- 3) Counsel may contact Judge Martinotti or Judge Goodman *ex parte* for the purpose of settlement discussions only.
- 4) Counsel is required to abide by Judge Martinotti's and Judge Goodman's submission and communication procedures, respectively, unless and until the Court so orders superseding rules for this litigation.

/s/ Brian R. Martinotti
BRIAN R. MARTINOTTI, U.S.D.J.